

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

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**FULL BOARD MEETING MINUTES  
JANUARY 26, 2006**

**Board Members Present**

Lisa O'Connor, M.A., Chairperson  
Carol Murphy, M.A.  
Jennifer Hancock, M.A.  
Diana Verdugo M.S.  
Rebecca Binge, M.A.  
Alison Grimes, Au.D.

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Kathi Burns, Senior Staff Analyst  
Lori Pinson, Staff Analyst  
Ann Bollenbacher, CPD Coordinator  
George Ritter, Legal Counsel

**Guests Present**

Ellen C. Fagan, Director, CE Program-American Speech-Language-Hearing Association  
Jody Winzelberg, Audiologist, California Academy of Audiology  
Dennis Van Vliet, Audiologist  
Robert Ivory, Audiologist, California Academy of Audiology  
Miles Peterson, Audiology Program Representative-California State University Los Angeles  
Peter Ivory, Audiology Program Representative-California State University Los Angeles

**I. Call to Order**

Chairperson O'Connor called the meeting to order at 9:10 a.m.

**II. Introductions**

Those present introduced themselves.

**III. Approval of meeting minutes for October 27-28, 2005 Committee Meeting and Full Board Meeting**

The Board discussed minor grammatical edits to the minutes.

M/S/C: Grimes/Binge

The Board approved the October 27 & 28, 2005 Committee Meeting and Full Board Meeting minutes as amended.

**IV. Chairperson's Report (Lisa O'Connor)**  
**Overview of Federal Provisions Related to Speech-Language Pathology Services Included in The Individuals with Disabilities Education (IDEA) Improvement Act (2004) and The No Child Left Behind (NCLB) Act of 2001**

Ms. O'Connor presented background information on two main issues: 1) the new professional training standards established by the American Speech-Language-Hearing Association (ASHA) for Speech-Language Pathology as of 2005 and for Audiology as of 2007 and the potential impact on state licensing requirements, and 2) the implementation and application of two federal provisions for educating school-aged children, the Individuals with Disabilities Education Act (IDEA) (2004) and the No Child Left Behind (NCLB) Act.

Ms. O'Connor reported that the new ASHA standards reflect a qualitative model of training based on a formative assessments and portfolio review, as opposed to the previous model that was based on quantitative measures. She stated that university training programs are developing Knowledge and Skills Acquisition (KASA) forms to summarize established competencies that must be achieved through the didactic and clinical training. However, she reported that these measures are not prescriptive and, as such, state licensing agencies may have difficulty in determining the minimum standard established under the new national standards, which may create a reciprocity issue. She explained that state licensing boards develop quantifiable licensing regulations that may not be directly equivalent to the new national standards. Ms. O'Connor reported that this issue was discussed at the National Council of State Boards Conference in 2004, where many states were grappling with how to reconcile ASHA's new standards with their state licensing provisions. She reported that the university training programs are struggling to comply with the disparate professional training standards; that is, rehabilitative services credentialing provisions, state licensing requirements, and national accreditation and professional certification standards. She stated that this issue also has implications for the concept of developing one uniform standard in the state and eliminating the need for multiple practice authorizations in different professional settings. Ms. O'Connor commented that this issue has been identified in the Board's Sunset Report.

Ms. Grimes inquired whether other professions have moved from a quantitative to qualitative standard.

Ms. Fagan stated that the training standards to practice medicine are based on qualitative measures.

Ms. Del Mugnaio stated that the Board may request legislative assistance with the issue during the sunset process.

Ms. O'Connor reported that she participated in a teleseminar offered by ASHA, entitled "Approaches to Assessment: IDEA vs. NCLB," to gain a better understanding of how the two laws are applied in the public schools and the implications to speech-language pathologists and audiologists providing services covered under the federal provisions. She stated that the laws are distinctly different and complex, and she referenced a

written outline she provided to the Board. Ms. O'Connor proceeded to review her written report and noted the following:

- IDEA provisions ensure that all children with disabilities have available to them free and appropriate education designed to meet their unique needs and prepare them for post-secondary outcomes.
- IDEA uses individualized testing models to determine whether students with disabilities are eligible for special education and related services.
- NCLB provisions ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments.
- Assessments used for the purposes of NCLB test all students, including those with disabilities, to determine whether the yearly performance of public schools is meeting established performance standards wherein all children are performing at grade-level expectations.

Ms. O'Connor reported that there is conflict between the two provisions in that the laws are intended for two fundamentally different purposes. IDEA is an individual entitlement to public education, whereas NCLB is a group entitlement that does not take into consideration learning disabilities, English proficiency, socio-economic status, or living conditions. The conflict appears to be how to treat everyone individually and the same, simultaneously. She stated that the definition of "in need of special education" appears to conflict with the expectations of annual yearly progress, as most students receiving special education services have been identified as having an academic deficiency and are not performing at grade level. She stated that if these students were performing at or near grade level, they would not be identified for special education services. Ms. O'Connor reported that policy makers and educators continue to discuss the possible solutions to these conflicts. She stated that there is a federal regulation proposal under review for late 2006 or early 2007 that would establish a growth model to track the progress of individual students with disabilities toward grade-level expectations, rather than measuring them against a standard they cannot meet by definition of their eligibility.

## **V. Speech-Language Practice Committee Report (Lisa O'Connor)**

Ms. O'Connor provided an overview of the matters discussed during the Committee meeting and stated that the Board did not pass a motion on the Committee agenda items but, instead, indicated that additional information would be gathered and the matters would be addressed at a future Committee meeting.

M/S/C: Grimes/Bingea

The Board voted to accept the report and recommendations of the Speech-Language Pathology Committee.

## **VI. Continuing Professional Development Task Force Report and Regulation Amendment Proposal**

Ms. Del Mugnaio provided a summary of the proposed changes that the Task Force Committee agreed upon and stated that such changes will be amended into the continuing professional development regulatory proposal and will be presented to the Board for consideration during a telephonic meeting to be held at the end of February 2006. She stated that she will work on regulatory formatting issues and develop a final document that incorporates the Committee's changes and reflects, where applicable, consistent provisions for both speech-language pathology and audiology.

Ms. O'Connor agreed to work with Ms. Del Mugnaio on developing a clear definition of courses deemed "related" to the practice(s) of speech-language pathology and audiology.

Ms. Del Mugnaio reiterated that the telephonic meeting will be a public meeting and that the location of each of the Board members participating in the telephonic meeting will be noticed on the meeting agenda and open to the public.

## **VII. Executive Officer's Report (Annemarie Del Mugnaio)**

### **A. Budget Update**

Ms. Del Mugnaio requested that the Board review the 2005/2006 budget projection through Month 6 as included in the meeting packets. She stated that the Board will submit a new Out-of-State Travel Request for FY 2006/2007, which will include a request for 2 persons to travel to the National Council of State Boards of Examiners in Speech-Language Pathology and Audiology scheduled for October 12-14, 2006 in Atlanta, Georgia.

### **B. Staffing Update**

Ms. Del Mugnaio introduced Kathi Burns, the Board's recently appointed senior analyst, who will serve as the Enforcement Coordinator and the Regulatory Specialist.

Ms. Burns provided the Board with a brief history of her work experience.

### **C. Legislative Update**

Ms. Del Mugnaio reported that there are two legislative initiatives that she is currently tracking, but neither has been introduced as a bill as of yet. The first is the initiative discussed in the Speech-Language Pathology Practice Committee meeting regarding an expansion of the scope of practice of speech-language pathology to include suctioning and to provide greater flexibility in the settings in which speech-language pathologists are authorized to perform endoscopic procedures. The second initiative is a reintroduced measure by Senator Scott to mandate that health care service plans provide coverage for hearing aid devices to subscribers 18 years of age or younger. Ms. Del Mugnaio explained that the Board has been on record as supporting this measure in the past; however, the measure was defeated.

Ms. Del Mugnaio reported that she will provide updates to these measures at the next Board meeting.

#### **D. 3<sup>rd</sup> Annual Speech-Language Pathology Practice Issues Forum- Cedars-Sinai Medical Center January 17, 2006**

Ms. Del Mugnaio reported that she was a presenter at the annual practices issue forum at Cedars-Sinai Medical Center and that she addressed the following topics:

- The new regulations that provide an avenue for bachelor's degree applicants to apply the clinical hours obtained in communication disorders programs toward the requirements to register with the Board as a speech-language pathology assistant.
- An overview of the proposed changes to the Board's continuing professional development program, including clarifying regulations regarding continuing professional development provider qualifications, course approval mechanisms, definitions regarding practice-specific course offerings, and parameters for courses that address information relative to multiple health disciplines.
- The issue of which health professional(s) should be involved in diagnosis and treatment of cognitive-linguistic disorders.

Ms. Del Mugnaio stated that she also served on a question and answer panel and responded to enforcement and licensing questions as posed by the attendees. She commented that the forum was well attended by 120+ licensees and was sponsored by Cedars-Sinai Medical Center as a "free of charge" continuing education event.

#### **E. Status of Rulemaking Files - Board-Approved Institutions and Advertising of Professional Degrees (California Code of Regulations Sections 1399.152 & 1399.156.4); Information Disclosure Regulations (California Code of Regulations Sections 1399.180 – 1399.187); Citation and Fine Regulations (California Code of Regulations Section 1399.159, 1399.159.01, 1399.159.1 & 1399.159.4)**

Ms. Del Mugnaio reported on the status of the rulemaking files as follows:

- The Board-Approved Institutions and Advertising of Professional Degrees rulemaking package will be filed with the Department of Consumer Affairs in early February 2006.
- The Information Disclosure Rulemaking File and the Citation and Fine Rulemaking File have been at the Department of Consumer Affairs for over 30 days. Ms. Del Mugnaio stated that she is tracking the files closely with the Department's Legislative and Regulatory Review Unit, but stated that the delay could be due in part to the Department's recent relocation efforts.

#### **F. Laws and Regulations Update 2006**

Ms. Del Mugnaio stated that the draft 2006 update of the laws and regulations are in print and have been distributed to the Board; however, the document cannot be distributed to the public and posted on the website until the citation and fine and information disclosure regulations have been adopted by the Office of Administrative Law. She stated that she hopes to have a final document before the April Board meeting.

#### **G. Enforcement/Licensing Statistical Reports**

Ms. Del Mugnaio and Ms. Pinson provided an overview of the licensing statistical report provided in the meeting materials.

Ms. Burns provided an overview of the enforcement statistical report, also included in the meeting packets.

The Board requested that the enforcement statistical report be amended to provide greater clarity in the following areas: provide a description for violation categories of complaints received; change the category "other" to a descriptive category code, such as CPD violations; and track and capture in the report the number of complaints against audiologists that have been transferred by the Hearing Aid Dispensers Bureau to the Board for hearing aid or other hearing-related complaints.

#### **VIII. Discuss Status of California Audiology Training Programs and the Transition to Doctoral Education (California State University Los Angeles-CSULA)**

Ms. Del Mugnaio stated that the Board has been in communication with CSULA to inquire whether the University intends to continue enrolling students into its existing master's degree audiology program despite the eventual termination of the program's accreditation status as of December 2006. She referenced the written communications included in the meeting packets and explained that the Board received somewhat mixed messages from University representatives. Ms. Del Mugnaio reported that Dr. Beatrice Yorker, Dean of the Department of Health and Human Services CSULA, corresponded with the Board and stated that, while the University was interested in updating its curricular offerings for audiology training to meet the established professional standards, it was not intending to support an unaccredited master's degree training program. Ms. Del Mugnaio reported that she received another communication from Miles Peterson indicating that the master's degree program will be in operation after the imposed accreditation termination date in order to graduate the six students recently enrolled in the master's degree program. Ms. Del Mugnaio proceeded to recap the history of the Board's meeting discussions and external issues surrounding the academic transition to doctoral education in audiology and the difficulties the state's audiology training programs have experienced in attempting to address the transition. She stated that the landscape regarding the available options to address the academic transition has changed dramatically over the past year, beginning in early 2005 when a legislative attempt, SB 724, would have authorized California State Universities to award doctoral degrees in audiology, to the Board-initiated correspondence to the Council of Academic Accreditation (CAA) of ASHA in June 2005 requesting the CAA to consider extending master's degree program accreditation for California training programs for a limited period of time while the state resolved the degree-granting authority issues. It wasn't until mid to late 2005 that the Board and other interested parties learned that neither of the proposed requests would come to pass. However, during that time the California State University (CSU) system and the University of California (UC) system began discussing options for joint-doctoral program development. Ms. Del Mugnaio reported that currently the two higher education systems are working collaboratively on selecting interested CSU and UC programs to join resources and begin doctoral training in audiology within the next one to two years.

Ms. Del Mugnaio explained that, as the events unfolded throughout the year, the Board's discussions regarding its regulatory changes and its available options for licensing entry-level practitioners shifted. Since it appeared that the CSU and UC were working on expediting training program development, and since the existing regulations authorized the Board to independently approve an applicant from an unaccredited training program, the proposal to develop a transitional approval mechanism for existing master's degree training programs, as was discussed in early 2005, was no longer a necessary and viable component to the Board's proposed regulation changes. Further, Ms. Del Mugnaio stated that the Board was not aware of any master's degree training programs seeking to retain their master's-level training beyond December 2006, or even continuing to enroll students during the 2005 academic year. She explained that the Board discussed its regulatory proposal regarding Board-approved institutions and programs at each public meeting held over the past three years, but had not taken a formal position on whether or not it would exercise its authority to individually evaluate applicants from unaccredited training programs.

Mr. Robert Ivory addressed the Board and expressed his concern regarding the challenges the programs continue to grapple with in attempting to transition to doctoral training and further stated that prospective audiology students were in limbo waiting for some decisions regarding the fate of the existing master's degree training programs. He stated that CSULA had not received direction from the Board in early 2005 to guide the program in its decisions to continue to recruit audiology students. Mr. Ivory further stated that if the state does not produce enough newly trained and qualified audiologists, the health care system will look to other practitioners to provide affordable hearing health care.

Ms. Del Mugnaio responded and stated that the statistical data regarding the number of entry-level licensed audiologists in the state has not decreased dramatically in the past five years; however, she stated that she does expect a moderate decline in the 2006/2007 statistics due to the phasing out of master's degree training.

Ms. O'Connor inquired about the contracts or commitments the CSULA program made to audiology students enrolled in the master's degree training program in 2005.

Mr. Robert Ivory indicated that the CSULA's intention is not to retain its master's degree training program indefinitely, but that the university is interested in being part of the doctoral training program development, possibly through an articulation agreement with another university.

Mr. Peterson stated that he has been following the Board meetings closely over the past year and stated that it wasn't until the fall of 2005 that the CSULA learned of the communication from the CAA denying the Board's request for granting an extension in accreditation status for master's degree programs. He argued that the CSULA enrolled students in early 2005 when SB 724 was still pending and the option for master's degree accreditation was a possibility, meanwhile modifying the existing program to meet national training standards. He stated that students were informed upon recruitment that they may experience difficulty in obtaining national certification and reciprocity, but that state licensure should be attainable based on existing regulations. Mr. Peterson commented that the master's degree program, as currently accredited, will

continue to enforce the same academic rigor and training standards after the termination of its accreditation, and that students graduating from the program after January 1, 2007 will have achieved the same educational goals as those graduating presently. He was concerned that the students graduating after the imposed accreditation termination date would be held to a higher standard and not be eligible for licensure.

Ms. Del Mugnaio responded and stated that the Board must rely upon program accreditation to ensure quality professional training. She explained that the Board is not an accrediting agency and does not have the resources or expertise to assume such a complex process. Therefore, the Board would have no means to ensure that an unaccredited program is maintaining its academic rigor and training quality. She reiterated that the existing regulatory authority to approve programs separately from the accreditation criteria defined in regulation has been in existence for more than a decade; however, to date, the Board has not had a need to employ this option. She stated that the provision was likely developed to enable the Board to recognize new accrediting programs or training criteria if necessary.

Ms. Grimes stated that she was concerned that any educational program would verbally or contractually confirm to an interested student that he/she would be eligible for licensure with the Board, knowing the uncertainty of the program's status at the time of graduation.

Mr. Robert Ivory argued that when the students were recruited, the Board's existing regulations provided an avenue for licensure. He further stated that the students made an informed decision, knowing the status of the academic transition in the profession.

Ms. O'Connor replied that the avenue still exists and will not be removed with the new amendments, but that the provision is discretionary and that the Board did not commit to applying the provision to graduates from the CSULA program or any program.

Ms. Del Mugnaio concluded the discussion and stated that the issue of applying the discretionary program approval regulation must be further explored by the Board. She stated that the Board was not aware until recently that CSULA had continued to enroll students in their master's degree audiology program during 2005 and, thus, had no reason to address the issue of licensing students from an unaccredited program. Further, the issue could be moot depending on the outcome of the CSU/UC joint-doctoral program plan, as the CSULA program could be one of the selected doctoral training institutions or, if not, a priority reciprocal agreement could be established for the students enrolled in the CSULA audiology program to matriculate to another doctoral training institution.

The Board agreed to further discussions with CSULA regarding the status of the six students who will graduate in 2007 after the termination of the program's accreditation status.

## **IX. Discuss Preparation of Sunset Review Report and Timeline for Final Report Preparation**



Ms. Del Mugnaio reviewed the recent changes made to the report and stated that Ms. Hancock had provided new statistics and background information on swallowing procedures, and that Ms. O'Connor and Ms. Murphy added information to Part I of the report on language intervention. She reviewed the information she incorporated in Part I of the report, including statistical data and narrative licensing and regulatory information.

Ms. Grimes offered to update the summary on the academic transition in audiology in Part I of the report.

The Board proceeded to review Part II of the report and determined which new issues should be presented to the Joint Committee. The Board decided to address the following issues in Part II of its report: propose the creation of new standards for pediatric audiology, report on changes in national certification standards and its impact on state regulatory provisions, address a uniform licensing standard that would eliminate alternate credentials in specific practice settings, and amend the audiology scope of practice statutes to include a clear definition of an auditory processing disorder, including language to identify audiologists as the primary diagnostician.

Ms. Grimes was appointed to the Sunset Review Committee and replaced Ms. Raggio. Ms. O'Connor and Ms. Grimes will serve on the two-person Committee.

#### **X. Examine Legal Analysis for Eliminating Dual Licensure & Discuss Regulation Proposal**

Mr. Ritter explained the legal justification for adopting a new regulation that would nullify a speech-language pathology assistant registration upon issuance of a speech-language pathology license. He stated that, absent a new provision, an individual could potentially have operated as an independent practitioner and a paraprofessional.

Ms. Del Mugnaio stated that the issue was discussed at length during the Speech-Language Pathology Practice Committee meeting held on October 27, 2005, wherein the Committee agreed that allowing individuals to hold two licenses with differing scopes of practice and professional liability is confusing to the public and may violate professional conduct provisions in terms of standard of care.

The Board reviewed and discussed the proposed regulation language as prepared by staff counsel.

M/S/C: Bingea/Murphy

The Board voted to approve the proposed regulation adoption and directed staff to proceed with the regulatory filing.

#### **XI. Examine License Equivalency Issues Regarding the California Required Professional Experience Provisions for Licensure and the Clinical Fellowship Year for the Certificate of Clinical Competence Issued by the American Speech-Language-Hearing Association**

Ms. O'Connor stated that the Clinical Fellowship Year (CFY) requirements for the Certificate of Clinical Competence (CCC) issued by the American Speech-Language-Hearing Association (ASHA) are not consistent with the state's Required Professional Experience (RPE) requirements in that the supervision parameters for the CCC are less restrictive. She stated that ASHA does not require the CFY supervisor to provide a specified number of hours of supervision per month, nor does ASHA require the supervisor to develop an approved CFY plan. Ms. O'Connor explained that state licensure requirements specify that an individual completing the RPE must be provided eight hours per month of direct supervision for a full-time work setting and four hours for the part-time experience. She stated that she believes most CFY supervisors do provide more supervision than what is required by ASHA, as the CFY individual may need the additional hours to qualify for licensure in their residential state. However, she stated that the Board has discovered that some supervisors did not provide to a CFY the amount of supervision required for state licensure and, therefore, those individuals do not qualify for licensure in California despite the fact that the individual holds the CCC from ASHA. Ms. O'Connor explained that, in light of the recent discovery, staff has proposed a change to the Board's application process for individuals filing for licensure based on ASHA equivalency. She stated that staff is proposing that a RPE verification form be included with the equivalency application as a required supporting document. In this way, staff can affirm that the professional experience completed under a CFY plan was equivalent to licensing requirements and equivalency can thus be verified.

M/S/C: Grimes/Murphy

The Board voted to implement a change to the equivalency application process to include the requirement that the RPE Verification form be submitted as supporting documentation to applications filed based on equivalent qualifications.

**XII. Public Comment on Items Not on the Agenda**

**XIII. Announcements**

Next Board Meeting is scheduled for April 20-21, 2006, Los Angeles

**XIV. Future Meeting Dates**

The Board announced the schedule of future Board meeting dates as follows: July 13-14, 2006, and October 26-27, 2006, locations to be determined.

**XV. Adjournment**

There being no further discussion, Chairperson O'Connor adjourned the meeting at 2:50 p.m.

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Annemarie Del Mugnaio, Executive Officer